

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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EDVIN RUSIS, HENRY GERRITS,)	
PHIL MCGONEGAL, DAVID HO ENG,)	
BRIAN HAUP T, PHILIP MONSON,)	
CLAUDIA ZIEGLER, SALLY GEHRING,)	
and JOHN MASON, individually and on)	
behalf of all other similarly situated)	Civil Action No. 1:18-cv-08434
individuals,)	
)	
Plaintiffs,)	
)	
v.)	
)	
INTERNATIONAL BUSINESS)	
MACHINES CORP.)	
)	
Defendant)	
)	

DECLARATION OF SHANNON LISS-RIORDAN

1. I am lead counsel for the Plaintiff in the above-captioned matter.
2. Our firm represents hundreds of individuals who are pursuing or have pursued ADEA claims against IBM, in this case, other federal court cases, and in individual arbitration, alleging that they fell victim to IBM's years-long companywide discriminatory scheme implemented by IBM's top management to build a younger workforce, by reducing its population of older workers in order to make room for the hiring of younger workers.
3. Several lead plaintiffs and opt-in plaintiffs in this case, including Sally Gehring, Robert Gasiorowski, Mark Johnson, and Andrew Peavy, were charging parties in the EEOC investigation of IBM that led to its August 31, 2020, determination that

found reasonable cause to believe that IBM engaged in classwide age discrimination. A copy of the EEOC's probable cause determination is attached hereto as **Exhibit 1**.

4. Attached hereto as **Exhibit 2** is a copy of the Statement of Facts filed in Lohnn v. International Business Machines Corp., Civ. A. No. 1:21-cv-06379 (S.D.N.Y), Dkt. No. 59.

5. Attached hereto as **Exhibit 3** is a copy of an article: Noam Scheiber, *Making 'Dinobabies' Extinct: IBM's Push for a Younger Work Force*, N.Y. Times, Feb. 12, 2022, available at <https://www.nytimes.com/2022/02/12/business/economy/ibm-age-discrimination.html>.

6. Attached hereto as **Exhibit 4** is a copy of an article: Josh Eidelson, IBM Emails Show Millennial Workers Favored Over 'Dinobabies', Bloomberg, Feb. 11, 2022, available at <https://www.bloomberg.com/news/articles/2022-02-12/ibm-emails-show-millennial-workers-favored-over-dinobabies>

7. One of my clients, Cathy Rodgers, was an executive at IBM until July 2017 and was privy to many of IBM's strategic initiatives regarding its workforce as well as its hiring and firing policies. A copy of her affidavit is attached hereto as **Exhibit 5**.

8. Attached hereto as **Exhibit 6** is a copy of the EEOC Charge submitted by Luvi Dye, produced by IBM at IBM_RUSIS_00018244-00018245.

9. Attached hereto as **Exhibit 7** is a copy the Complaint filed in Dye v. IBM Corp., 1:21-cv-02548-NRN (D. Colo. 2021), produced by IBM at IBM_RUSIS_00019013-00019028.

10. Attached hereto as **Exhibit 8** is a copy of IBMs' Response to Ms. Dye's EEOC Charge, produced by IBM at IBM_RUSIS_00018472-00018478.

11. Attached hereto as **Exhibit 9** is a copy of an EEOC charge filed by Ndubuisi Chiakpo, produced by IBM at IBM_RUSIS_00018228-00018229.
12. Attached hereto as **Exhibit 10** is a copy of the Complaint filed by Ndubuisi Chiakpo, produced by IBM at IBM_RUSIS_0002867.
13. Attached hereto as **Exhibit 11** is a copy of the EEOC charge of Janet Gelphman, produced by IBM at IBM_RUSIS_00002652.
14. Attached hereto as **Exhibit 12** is a copy of the EEOC charge of Lynn McCormick, produced by IBM at IBM_RUSIS_00018223.
15. Attached hereto as **Exhibit 13** is a copy of the Complaint filed by Ms. McCormick, produced by IBM at IBM_RUSIS_00003048-00003059.
16. Attached hereto as **Exhibit 14** is a copy of Susan Conrey's EEOC Charge, produced by IBM at IBM_RUSIS_00018930-00018935.
17. Attached hereto as **Exhibit 15** is a copy of the Complaint filed by Ms. Conrey, produced by IBM at IBM_RUSIS_00019000-00019012.
18. Attached hereto as **Exhibit 16** is a copy of the Complaint of Stephen Horne, produced by IBM at IBM_RUSIS_00019107-00019112.
19. Attached hereto as **Exhibit 17** is a copy of the Complaint filed by Hsiou-Chang Liu, produced by IBM at IBM_RUSIS_00019297-00019304.
20. Attached hereto as **Exhibit 18** is a copy of the EEOC Charge of Sally Ghering, produced by IBM at IBM_RUSIS_00019632-00019633.
21. Attached hereto as **Exhibit 19** is a copy of the EEOC Charge of Philip Monson, produced by IBM at IBM_RUSIS_00019647.

22. Attached hereto as **Exhibit 20** is a copy of the EEOC Charge of Claudia Ziegler, produced by IBM at IBM_RUSIS_00019656.

23. Attached hereto as **Exhibit 21** is a copy of the EEOC Charge of Phil McGonegal, produced by IBM at IBM_RUSIS_00019648.

24. Attached hereto as **Exhibit 22** is a copy of an August 6, 2020, Email from the EEOC regarding Phil McGonegal's charge.

25. Attached hereto as **Exhibit 23** is a copy of the EEOC Charge of Rheta Daur, produced by IBM at IBM_RUSIS_0018238.

26. Attached hereto as **Exhibit 24** is a copy of the EEOC Charge of Scott Koren, produced by IBM at IBM_RUSIS_00018295-00018299.

27. Attached hereto as **Exhibit 25** is a copy of the EEOC Charge of Karen Kersting, produced by IBM at PLAINTIFFS000973-000974

28. Attached hereto as **Exhibit 26** are excerpts from the deposition of Phil McGonegal.

29. Attached hereto as **Exhibit 27** is a Declaration of David Reid.

30. Attached hereto as **Exhibit 28** is the EEOC Charge of Walter Bayerle, produced at PLAINTIFFS002753-002754.

31. Attached hereto as **Exhibit 29** is a copy of the article, published by ProPublica and Mother Jones on March 22, 2018, titled *Cutting Old Heads: Inside IBM's Purge of Thousands of Workers Who Have One Thing in Common*, by Ariana Tobin and Peter Gosselin.

32. Attached hereto as **Exhibit 30** are IBM corporate planning documents produced by IBM in the *Langley v. IBM* matter.

Signed under the pains and penalties of perjury this 1st day of March, 2022.

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan

CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2022, a true and accurate copy of the foregoing was filed via this Court's CM/ECF system.

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan